IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:10-CR-199-D No. 5:12-CV-778-D

RONNIE D. RAINEY,)	
Petitioner,)	
v.)	ORDER
UNITED STATES OF AMERICA)	
Respondent.)	

On February 17, 2017, Ronnie D. Rainey ("Rainey") moved for "an evidentiary hearing to establish a record for judicial review" [D.E. 164] and for "the district court to take judicial notice of the facts to follow in the documents referenced" [D.E. 165]. In these motions, Rainey attacks his guilty plea, his conviction, his sentence, and the amended judgment (including the restitution award of \$2,268,937.97). See [D.E. 164, 165]. On March 30, 2017, Rainey moved for a clarification of his plea [D.E. 166]. In that motion, Rainey attacks his conviction and sentence. See id.

Rainey already filed and lost a motion under 28 U.S.C. § 2255 attacking his conviction and sentence. See [D.E. 62, 76]. On January 28, 2014, The United States Court of Appeals for the Fourth Circuit declined to issue a certificate of appealability and dismissed Rainey's appeal. See [D.E. 83, 84]. On April 28, 2016, this court dismissed as successive Rainey's request for relief under Rule 60 of the Federal Rules of Civil Procedure concerning this court's dismissal of his 2255 motion to vacate, set aside, or correct his conviction and sentence. See [D.E. 106, 150]. On October 21, 2016, the Fourth Circuit denied authorization to file a second or successive section 2255 motion. See [D.E. 155].

Rainey's latest motions continue to attack his conviction and sentence. See [D.E. 164, 165, 166]. The court construes Rainey's motions as successive motions under section 2255. This court lacks subject-matter jurisdiction to consider the motions. See, e.g., 28 U.S.C. § 2255(h); Burton v. Stewart, 549 U.S. 147, 152–53 (2007) (per curiam); In re Williams, 364 F.3d 235, 238 (4th Cir. 2004); United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003). Thus, the court dismisses the motions.

In sum, the court DISMISSES Rainey's motions [D.E. 164, 165, 166] for lack of subject-matter jurisdiction as successive. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

SO ORDERED. This 17 day of May 2017.

JAMES C. DEVER III

Chief United States District Judge